

REMARKS

This responds to the Office Action mailed on September 28, 2005, and the references cited therewith.

Claims 2, 25-49 are pending. Pursuant to the Restriction Requirement, Claims 30-49 have been withdrawn from consideration by the Examiner. Claims 2, 25-29 are now under examination.

The term “comprising” in claim 2 has been replaced with the term “consisting of.” Similarly, in claim 25, the term “comprises an amino acid sequence” has been replaced by “consists of” and the term “essentially” has been deleted from claim 26. Applicant submits that no new subject matter has been added to the application.

Claim Objections

The Examiner has objected to inadvertent grammatical errors in Claim 25. Claim 25 now recites, a “pharmaceutical formulation comprising a pharmaceutically acceptable carrier and a peptide that consists of SEQ ID NO:7.” Applicant requests withdrawal of the objection to Claim 25.

Election/Restriction

Applicant acknowledges the Examiner’s comments with regard to the status of claims 43-49, and appreciates the clarification in this regard.

§112 First Paragraph Rejection

Claims 2 and 25-29 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description. According to the Examiner, the claims are directed to peptides and compositions that may have no assayable activity because no function is listed in the claims. Applicant submits that claims 2 and 25-29 are directed to peptides with definite structures and, that, therefore, no function need be recited because there is no ambiguity as to what peptides are embraced by the claims. Applicant requests withdrawal of this rejection of claims 2 and 25-29 under 35 U.S.C. § 112, first paragraph.

§112 Second Paragraph Rejection

Claims 25-29 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The Examiner alleges that “an amino acid sequence SEQ ID NO:7” in claim 25 is indefinite. In addition, the Examiner alleges that the term “essentially” is indefinite in claim 26.

Claim 25 is directed to a pharmaceutical formulation comprising a pharmaceutically acceptable carrier and a peptide that consists of SEQ ID NO:7. The term “essentially” has been deleted from claim 26. Applicant submits that Claims 25-29 are definite and requests withdrawal of this rejection under 35 U.S.C. § 112, second paragraph.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (516) 795-6820 to facilitate prosecution of this application.

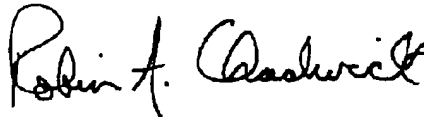
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

KEVIN P. MCGRATH ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(516) 795-6820



Date November 15, 2005

By _____
Robin A. Chadwick
Reg. No. 36,477

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of November, 2005.

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